



300 DELAWARE AVENUE • SUITE 200 • WILMINGTON, DELAWARE 19801
TEL: (302) 472-7300 • FAX: (302) 472-7320 • WWW.HEGH.LAW

Direct Dial: (302)472-7311
Email: dgattuso@hegh.law

August 24, 2020

VIA CM-ECF

The Honorable Richard G. Andrews
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street, Unit 9, Room 6325
Wilmington, Delaware 19801-3555

Public Version Filed: August 26, 2020

**Re: *Horizon Medicines LLC v. Alkem Laboratories Ltd.*,
C.A. No. 18-1014-RGA (D. Del.)**

Dear Judge Andrews:

Pursuant to Your Honor's request during the Final Pretrial Conference conducted on August 21, 2020, Alkem provides the following timeline relevant to pleading / fact discovery disclosures and the inventorship issues addressed in connection with DMIL #2 ([D.I. 190 at 2-3](#)).

Date	Disclosure	Disclosure / Amendment Obligation
1/22/19	Horizon serves its Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1). (Ex. 1 hereto at 3 (disclosing that "Mr. Golombik is a named co-inventor on the '451 patent")).	FED. R. CIV. P. 26(e)(1)(A) (requiring that "[a] party who has made a disclosure under Rule 26(a)—or who has responded to an interrogatory, request for production, or request for admission—must supplement or correct its disclosure or response: (A) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing"); FED. R. CIV. P. 37(c)
2/14/19	Horizon serves its Discovery Initial Disclosures pursuant to Paragraph 3 of the Default Standard for Discovery in the District of Delaware. (Ex. 2 hereto at 1-2 (disclosing that "Mr. Golombik is a named co-inventor on the '451 patent")).	FED. R. CIV. P. 37(c)

Date	Disclosure	Disclosure / Amendment Obligation
7/1/19	Horizon serves its Responses to Alkem's First Set of Requests for the Production of Documents and Things (Nos. 1 to 87). (Ex. 3 hereto at 51-52, 62-63, 83-84, 86-87 (Request Nos. 45, 56, 78 and 81))).	FED. R. CIV. P. 26(e)(1)(A); FED. R. CIV. P. 37(c)
9/6/19	Deadline for parties to complete substantial document production. (D.I. 54).	
10/8/19	Deadline for parties to amend / supplement pleadings. (D.I. 21 at 1, ¶ 2).	FED. R. CIV. P. 15; FED. R. CIV. P. 16(b)(4) (requiring "good cause" to amend after deadline); <i>Premier Comp Sols., LLC v. UPMC</i> , No. 19-1838, 2020 WL 4668235, at *2 (3d Cir. Aug. 12, 2020); <i>Carrier Corp. v. Goodman Glob., Inc.</i> , 49 F. Supp. 3d 430, 433 (D. Del. 2014)
11/5/19	Horizon serves its First Amended Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1). (See Ex. 4 hereto at 3 (disclosing that "Mr. Golombik is a named co-inventor on the '451 patent"))).	FED. R. CIV. P. 26(e)(1)(A); FED. R. CIV. P. 37(c)
1/14/20	Horizon serves its First Supplemental Responses to Alkem's First Set of Interrogatories (Nos. 1-11). (D.I. 189, Proposed Joint Final Pretrial Order Ex. 16A, Alkem Motion in Limine Ex. 3 at 4-9 (Interrogatory No. 2); Ex. 5 hereto at 1-4, 11-13, 15-18 (Interrogatory Nos. 1, 4, 7))).	FED. R. CIV. P. 26(e)(1)(A); FED. R. CIV. P. 37(c)
1/17/20	Deposition of Barry Golombik,* pursuant to Federal Rules of Civil Procedure 30(b)(1), 30(b)(6). <i>*highlighted excerpts are submitted separately pursuant to the Court's request at the Final Pretrial Conference on 8/21/2020</i>	
1/24/20	Horizon serves its Second Supplemental Responses to Interrogatory No. 2. (D.I. 189, Proposed Joint Final Pretrial Order Ex. 16A, Alkem Motion in Limine Ex. 4 at 1-6).	FED. R. CIV. P. 26(e)(1)(A); FED. R. CIV. P. 37(c)
1/24/20	Close of fact discovery. (D.I. 93).	
1/30/20	Horizon serves its Responses to Alkem's First Set of Rule 36 Requests for Admission (Nos. 1-108). (D.I. 189, Proposed Joint Final Pretrial Order Ex. 16A, Alkem Motion in Limine Ex. 5 at 19, 33 (Request Nos. 25, 52))).	FED. R. CIV. P. 26(e)(1)(A); FED. R. CIV. P. 37(c)
7/31/20	Horizon serves its Opposition to Alkem's Motion in Limine regarding the '096 publication. (D.I. 189, Proposed Joint Final Pretrial Order Ex. 16B).	

Date	Disclosure	Disclosure / Amendment Obligation
8/11/20	Horizon serves its revised Statement of Issues of Law (Ex. 4) and Intended Proofs (Ex. 12), in which it first discloses (i) it intends to seek leave to amend to add correction of inventorship claim and (ii) Mr. Golombik as alleged inventor of '033 patent. (<i>See</i> D.I. 189, Proposed Joint Final Pretrial Order Ex. 4 ¶¶ 53-80; <i>id.</i> Ex. 12 ¶ 7).	FED. R. CIV. P. 15; FED. R. CIV. P. 16(b)(4) (requiring “good cause” to amend after deadline); <i>Premier Comp Sols., LLC v. UPMC</i> , No. 19-1838, 2020 WL 4668235, at *2 (3d Cir. Aug. 12, 2020); <i>Carrier Corp. v. Goodman Glob., Inc.</i> , 49 F. Supp. 3d 430, 433 (D. Del. 2014)
8/12/20	Horizon serves its revised Statement of Issues of Fact, in which it first discloses alleged disputed facts related to (i) “Inventorship and Ownership of the ‘033 Patent,” (<i>see</i> D.I. 189, Proposed Joint Final Pretrial Order Ex. 2 ¶¶ 150-159), and (ii) inventorship of ‘096 publication, (<i>see id.</i> ¶¶ 683-686).	

We thank Your Honor for your attention to this matter.

Respectfully submitted,

/s/ Dominick T. Gattuso

Dominick T. Gattuso (#3630)

DTG/ram

cc: Clerk of the Court (by CM-ECF)
Counsel of Record (by CM-ECF and Email)